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Report of the Working Group on the Universal Periodic Review*

Eritrea

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. The Government of the state of Eritrea has made a careful study of all the recommendations presented during the Working Group session of the UPR in February 2014. Eritrea broadly accepts the constructive recommendations in this category as a way forward for further efforts and broader cooperation in basic human right issues and fundamental freedoms. However some recommendations that do not enjoy the support of the Government of the State of Eritrea have been identified.

2. The GOE believes that the validity, relevance, practicality and timing of the recommendations must be predicated on meticulous appraisal of the prevailing institutional, human and organizational capacity in the country at this point in time and the associated challenges of implementation.

3. The following four Conventions that have been accepted in the First Cycle are at the final stage and they will soon be signed.

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Convention on the Rights of Persons with Disabilities;
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

I. Recommendations accepted

122.2. Consider the possibility of acceding to all the international human rights treaties and conventions (Russian Federation).

122.4 Consider accession to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia).

122.5, 122.7, 122.8, 122.9, 122.11, 122.13 and 122.14. Ratify Convention against Torture (Australia, Latvia, Paraguay and Slovakia).

122.22. Comply, in law and in practice, with its obligations under the International Covenant on Civil and Political Rights (Czech).

122.23. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities (Ecuador).

122.24. and 122.28. Ratify the Convention on Disabilities and CAT (Gabon, Spain).

122.42. Continue efforts in strengthening democratic, institutions, including through capacity building in the state legislative, executive as well as judiciary system (Indonesia).

122.43. Enhance and implement domestic laws to further promote and protect the civil and political rights of the Eritrean people (Philippines).

122.44. Reform legislation in the area of the right to freedom of conscience and religion (Russian Federation).

122.52. Expedite the implementation of the accepted recommendations of the first UPR cycle, including the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the ILO Convention No. 182

concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Kenya).

122.50. Put in place mechanisms to follow-up on the recommendations of the UPR that promotes equality of rights and the non-discrimination of all citizens, in particular of vulnerable groups (Colombia).

122.67. Take necessary measures to ensure respect for human rights, including the rights of women, political rights, the rights of persons in detention and the right of freedom of expression as it pertains to the press and other media (Canada).

122.68. Continue efforts aimed at the progressive realization of economic, social and cultural rights (Colombia).

122.69. Pursue all efforts to preserve the progress achieved in a number of areas such as culture, education, health and the fight against social inequality (Egypt).

122.70. Strengthen the social welfare system for protecting children in the most affected communities from harmful practices, violence and exploitation (South Sudan).

122.71. Strengthen its efforts aimed at enhancing human rights awareness to all sectors of the society (Sudan).

122.73, 122.76, 122.79, 122.81 and 122.82 On cooperation with the Office of the High Commissioner, Human Right Council mechanism and the regional and international human rights bodies (Somalia, Kenya, Gabon, Ghana and Paraguay).

122.98. Further develop cooperation with the relevant United Nations bodies and is ready to support the country's efforts in all aspects (Turkey).

122.108, 122.125, 122.126, 122.127, 122.128, 122.129, 122.130 and 122.131. Continue to make its best efforts to abolish all types of discriminatory practices against women and children, which notably includes FGM, early marriage and domestic violence (Republic of Korea, Chile, Croatia, France, Ireland, Uruguay, Slovenia, Argentina).

122.109, 122.110, 122.111 and 122.112. Continue its efforts to promote gender equality and the empowerment of women (Sudan, Singapore, Armenia and Luxembourg).

122.113. Provide adequate resources to implement awareness-raising activities on the role of women and strengthen the existing structures for the advancement of women in the country (Malaysia).

122.114. Continue to take more measures to promote gender equality and protect women and children's rights in practice (China).

122.124. Intensify efforts to combat child labor and trafficking in persons, especially women and children (Philippines).

122.132. Intensify its efforts to protect women from domestic and sexual violence (Lithuania).

122.133. Work with civil society organizations to assist and redress women affected by domestic violence (Thailand).

122.134 and 122.138. Improve the penitentiary system and the situation of detainees (Russian Federation, Egypt).

122.157 Guaranteeing the right to freedom of religion for the Eritrean citizens (Romania).

122.158, 122.159, 122.160 and 122.154. Ensure that the rights of all its people to freedom of expression, religion, and peaceful assembly are respected (Japan, Lithuania, Belgium and France).

122.169 and 122.170. Continue its endeavors to ensure access to food for all its citizens as a fundamental human right (Egypt, Mexico).

122.171, 122.172, 122.173, 122.175, 122.176, and122.177. Continue its efforts to realize these goals of poverty reduction and universal access to primary education (Bhutan, China, Yemen, Chile, Malaysia, Algeria).

122.174. Improve legal measures on poverty eradication and an adequate standard of living (Islamic Republic of Iran).

122.178. Continue progress towards the eradication of poverty, through the application of its laudable social policies, so as to improve the quality of life of its people, in particular in the areas most in need, with the cooperation and assistance as requested by this sovereign nation (Bolivarian Republic of Venezuela).

122.179. Continue its efforts on health, education and social service system, in order to help the vulnerable and disabled people particularly women and children (Islamic Republic of Iran).

122.180, 122.181 and 122.182. Give continuity and strengthen positive measures underway to increase the quality of and accessibility of health services for all citizens (Cuba, Egypt and Singapore).

122.183. Train more professional health workers to fill and carry out the work of the newly established health centers (Uganda).

122.184, 122.189, 122.191 and 122.194. Continue to implement programs aimed at improving the quality of and access to education, giving particular attention to the needs of children from underprivileged families, including those in the rural and underserved areas (Philippines, Sudan, Cuba, Luxembourg).

122.185, 122.190, 122.192 and 122.193. Allocate more resources to the education system, particularly education of girls, in order to achieve a successful social development level (Turkey, Afghanistan, Egypt, Togo).

122.151. Continue efforts aimed at improving the administration of justice system and the situation of persons deprived of their liberty (Ecuador).

122.153. Ensure the respect of the fundamental rights and freedoms of all the population, in particular women and children, and adopt all necessary measures to guarantee the fight against the impunity of the perpetrators of crimes, acts of violence and all human rights violations (Argentina).

122.198. Work with the International Community to reduce the effects of climate change (Uganda).

122.199. That the working group adopts the report of the UPR of Eritrea (Islamic Republic of Iran).

122.200. Provide them with the appropriate technical assistance in order to enhance their capacities in this aspect (Saudi Arabia).

122.31. Apply all the provisions of the Constitution relevant to human rights and the rule of law (Tunisia).

122.32 and122.41. Step-up efforts and take urgent measure for a rapid and definitive application of the country's Constitution, ensuring that it incorporates the

principles and commitments arising from international human rights instruments to which Eritrea is signatory or has acceded to (Uruguay and Ghana).

122.74. Submit all the reports due under treaty bodies (Togo).

122.75. Cooperate with the High Commissioner for Human Rights, treaty bodies and special procedures mandate holders (Chad).

122.106. Submit without any delay the initial report on the Optional Protocol on the Involvement of Children in Armed Conflict (Belgium).

122.107. Harmonize national laws to incorporate the International Covenant on Civil and Political Rights, in particular articles 9, 12, 19, 21 (Mexico).

Observation: (Article 9 does not have provisions for legitimate qualifications in conditions that impinge on matters of national security and harmonizction of national laws must take this factor into account.

122.152. Ensure that any physical or moral harm against journalists or human rights defenders is investigated and that the perpetrators are duly prosecuted (Belgium).

Observation: The principle is acceptable but Eritrea rejects the implicit and baseless insinuation.

122.162. Take policy and other measures which ensure the enjoyment of freedom of expression, opinion and assembly (Botswana).

122.156. Take steps to improve the status of religious minorities and ensure protection for religious communities from persecution (Canada).

Observation: Eritrea is secular state and religious rights are protected.

122.168. Ensure a conducive climate to the work of the human rights defenders and the civil society activists and journalists (Tunisia).

II. Recommendations that do not enjoy the support of Eritrea

122.1. Ratify the international human rights instruments which it is not yet a party to (Chad).

122.10, 122.12, 122.3, 122.6, 122.15, 122.25, 122.26, 122.27, 122.29, 122.51. Ratify Convention against Torture and Convention on Enforced Disappearance with their Protocols and the ICCPR optional Protocol (Lithuania, Uruguay, Brazil, Japan, Portugal, France, Estonia, and Check Republic).

122.16, 122.17, 122.18, 122.19, 122.20. Ratification of Rome Statute and its harmonization with national legislations and cooperation with the ICC. (Croatia, Estonia, Latvia, Romania, Slovakia).

122.21. Withdraw existing reservations to ICCPR and ratify both ICCPR Optional Protocols (Estonia).

122.33, 122.34, 122.36, 122.30, 122.35, 122.37 122.40, 122.155, 122.116, 122.161. Expeditiously and fully implement the Constitution adopted in 1997 and strive for earliest adoption of a penal code and criminal procedure code as well as civil code and civil procedure code in accordance with international standards and provide clearly in new legislation for freedom of expression, assembly, movement, religion and belief (Slovakia, Sweden, Australia, Somalia, Namibia, Switzerland, UK and Spain and USA).

Observation: The Civil and Criminal Codes with their procedural codes as well as laws relating to freedom of expressing, assembly movement, religion and beliefs are already in place. A new constitution is to be drafted.

122.45, 122.46, 122.47, 122.48, 122.49, 122.54. Establish and strengthen an independent Human Rights Institution and standing committee (Ghana, Indonesia, South Sudan, Algeria, Tunisia and Thailand).

Observation: This will be seen with the new constitution.

122.38, 122.39, 122.61. Immediately lift the state of emergency, implement the 1997 Constitution and hold free and fair elections with international monitoring (Germany, Czech Republic).

Observation: there is no state of Emergency and a constitution is to be drafted.

122.55, 122.57, 122.58, 122.59, 122.60, 122.62, 122.63, 122.65 and 122.66. Modify the law of national services and end indefinite national service, a phased demobilization, allow substitute service for conscientious objectors, and ending the people's militia (Norway, USA, Spain, Croatia, Germany, UK, Austria and Canada and Italy).

122.123, 122.56. Abolish military conscription and compulsory military training, particularly for children (Switzerland, Australia).

Observation: No child is recruited in the military.

122.64, 122.149. Take appropriate steps with a view to releasing all imprisoned conscientious objectors without delay (Croatia, Spain).

Observation: There are no conscientious prisoners.

122.80, 122.87, 122.88, 122.89, 122.90, 122.91, 122.92, 122.93, 122.94, 122.95, 122.96, 122.97, 122.99, 122.100, 122.101, 122.102, 122.103, 122.72, 122.77, 122.78, 122.83, 122.84, 122.85, and122.86. Standing invitation to the UN Special Rapporteur on human rights in Eritrea and to all other UN special procedures mandate holders, and cooperate fully with the OHCHR (Republic of Korea, Germany, Norway, Romania, South Sudan, Togo, Italy, Montenegro, Sweden, Portugal, Namibia, France, Australia, Botswana, Netherlands, Portugal, Tunisia, Latvia, Somalia, Uruguay, Ireland, Portugal, Czech Republic, Brazil).

Observation: Can only be seen case by case but country specific mandates are not accepted, Eritrea's cooperation with international community should not be linked to the Special Rapportuer on Human Rights in Eritrea.

122.104. Accede to the request of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, introduced in 2003 and renewed in 2005, to visit the country (Belgium).

122.115. On LGBT persons (Italy).

122.117, 122.118, 122.119. Abolish the death penalty (France, Spain, Montenegro).

122.120, 122.121. Put an end to the widespread use of torture and other cruel, inhuman or degrading treatments as well as to arbitrary and extrajudicial executions (Djibouti, Tunisia)

Observation: There is no such practice in Eritrea.

122.136. Guarantee the physical integrity of all prisoners, improve conditions of detention in accordance with international standards and allow unhindered access by international monitors to all detention facilities (Slovenia).

Observation: Physical integrity of prisoners is guaranteed. Invitation will be case by case.

122.135, 122.137, 122.163. Bring to an end inhumane detention conditions, release persons detained for exercising tier freedom of expression respect and ensure that all detainees are treated in accordance with international human rights standards (Germany, Norway and Sweden).

Observation: Detainees are treated humanely.

122.139, 122.140, 122.145, 122.150. Be accountable for all the political prisoners, in particular the members of the "G-15", and release them (Djibouti, Spain, France. USA).

122.141, 122.142. Allow the International Committee of the Red Cross (ICRC) to visit the places of detention and to visit prisoners of war from Djibouti (Djibouti, Somalia).

122.143. indefinite National Service, migration and human trafficking. (France).

122.144, 122.146, 122.147, 122.148. Release or bring before a court all persons detained without a charge and to respect international standards in the treatment of detainees (Austria, Germany, Switzerland, Norway).

122.164, 122.167, 122.165, 122.166. Lift severe restrictions on freedom of expression, both online and offline, permit establishment of independent media outlet (Czech, Estonia, Austria and Belgium).

122.196. Take further measures to ensure protection of property rights, pursuant to international standards, including the provisions those provided by art. 14 and 21 of the ACHPR and art. 5 of the CERD (Italy).

122.186, 122.187, 122.188. Put an end to the obligation for children to follow their last year of school in the military camp of Sawa (Belgium, Luxembourg and Portugal).

122.195. Ensure safe repatriation and reintegration of Eritrean nationals without any fear of persecution in accordance with Eritrea's obligations under international human rights law and allow for international monitoring (Germany).

Observation: Safe repatriation is guaranteed with no prosecution.

122.197. Develop an institutional programme in partnership with the Eritrean Diaspora and local communities to develop programs for production, infrastructure and social development, eliminating the fee for residing outside of Eritrea (Mexico).

122.105. Address concerns regarding the promotion and protection of human rights expressed by the Human Rights Council in its resolutions (Namibia).

122.122. Investigate all pending reports of enforced or involuntary disappearances and punish the perpetrators of these crimes (Chile).

Observation: The GOSE has no pending reports of enforced and involuntary disappearances.

On 122.53[1] (Somalia) – not recognized.

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[1] 122.53 – Fully implement the UN resolution 2023 of 2011 which condemns Eritrea's use of the "diaspora tax" to destabilize the Horn of Africa region. Eritrea does not recognize this as a recommendation.